

2015 DRAFTING REQUEST

Bill

Received: 1/29/2015 Received By: jkreye
Wanted: As time permits Same as LRB:
For: Tim Carpenter (608) 266-8535 By/Representing:
May Contact: Drafter: jkreye
Subject: Elections - miscellaneous Addl. Drafters: tkuczens
Extra Copies:

Submit via email: YES
Requester's email: Sen.Carpenter@legis.wisconsin.gov
Carbon copy (CC) to: joseph.kreye@legis.wisconsin.gov
tracy.kuczenski@legis.wisconsin.gov

Pre Topic:

No specific pre topic given

Topic:

Presidential preference primary date

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	jkreye 1/29/2015			_____			
/1		kfollett 2/12/2015	jmurphy 2/12/2015	_____	sbasford 2/12/2015	sbasford 2/25/2015	State S&L

FE Sent For:

at
intro

<END>

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/? jkreye

11/5/12
2/1/12
JK 2/1/12
JK 2/1/12

FE Sent For:

<END>

Barman, Mike

From: Barman, Mike
Sent: Thursday, January 29, 2015 9:52 AM
To: Ewy, Stuart
Cc: Kreye, Joseph
Subject: drafting request ... Senator Carpenter's office

Good morning Stuart,

I forwarded your drafting request to Attorney Joe Kreye ... he should get back to you shortly.

Mike Barman (Lead Program Assistant)

State of Wisconsin - Legislative Reference Bureau - Legal Section - Front Office
1 East Main Street, Suite 200, Madison, WI 53703
(608) 266-3561 / mike.barman@legis.wisconsin.gov

From: Ewy, Stuart
Sent: Thursday, January 29, 2015 9:46 AM
To: LRB.Legal
Cc: Sen.Carpenter
Subject: drafting request

LRB Drafting

Hello,

Can you please draft for Tim Carpenter for this session what was previously introduced as 1999 AB 854 relating to the date of presidential primaries?

<http://docs.legis.wisconsin.gov/1999/proposals/ab854>

Thank you very much,

Regards,

G. Stuart Ewy
Office of Senator Tim Carpenter
State Capitol 109 S
608.266.8535

1999 DRAFTING REQUEST

Bill

Received:	2/1/2000	Received By:	kuesejt
Wanted:	As time permits	Same as LRB:	
For:	bock (608) 266-8580	By/Representing:	Jennifer Yoniak
May Contact:		Drafter:	rmarchan
Subject:	Elections - miscellaneous	Addl. Drafters:	jkuesel

Extra Copies:

Submit via email: **NO**
 Requester's email:
 Carbon copy (CC) to:

Pre Topic:

No specific pre topic given

Topic:

Presidential preference primary date

Instructions:

Change date of presidential preference primary to run concurrently with spring primary.

Drafting History:

FE Sent For: 3/8/2000 12:00:00 AM

<END>

A handwritten note enclosed in a hand-drawn circle. The text inside the circle reads "1999 AB 854". There is some scribbled-out text to the left of the circle.



State of Wisconsin
2015 - 2016 LEGISLATURE

LRB-1516/1

JK...
sf

2015 BILL

in thru
1-29

due thru 2-12

Gen

1 AN ACT ...; relating to: the presidential preference primary date.

Analysis by the Legislative Reference Bureau

Under current law, the presidential primary is held at the spring election on the first Tuesday in April. Under the bill, the presidential primary is held at the spring primary on the the 3rd Tuesday in February.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

2 SECTION 1. 5.02 (21) of the statutes is amended to read:

3 5.02 (21) "Spring election" means the election held on the first Tuesday in April
4 to elect judicial, educational and municipal officers, nonpartisan county officers, and
5 sewerage commissioners and to express preferences for the person to be the
6 presidential candidate for each party in a year in which electors for president and
7 vice president are to be elected.

History: 1971 c. 211; 1971 c. 304 ss. 2, 29 (2); 1973 c. 280, 334; 1975 c. 93; 1977 c. 107, 187, 394; 1977 c. 427 ss. 3 to 14; 1977 c. 449; 1979 c. 32, 89, 221; 1979 c. 260 ss. 1m, 73 to 75; 1979 c. 311, 328; 1981 c. 4, 391; 1983 a. 484 ss. 5, 5c, 124m, 128; 1985 a. 303; 1985 a. 304 ss. 1m, 2, 155; 1987 a. 391 ss. 1 to 1r, 66w; 1989 a. 31; 1991 a.

BILL**SECTION 1**

5; 1993 a. 140, 184; 1995 a. 16 s. 2; 1995 a. 27 s. 9145 (1); 1995 a. 219; 1997 a. 35; 2001 a. 16, 109; 2003 a. 24, 265; 2005 a. 177, 451; 2007 a. 1; 2009 a. 397; 2011 a. 23, 32, 45, 75; 2013 a. 165.

1 **SECTION 2.** 5.02 (22) of the statutes is amended to read:

2 5.02 (22) “Spring primary” means the ~~nonpartisan~~ primary held on the 3rd
3 Tuesday in February to nominate nonpartisan candidates to be voted for at the
4 spring election and to express preferences for the person to be the presidential
5 candidate for each party in a year in which electors for president and vice president
6 are to be elected.

History: 1971 c. 211; 1971 c. 304 ss. 2, 29 (2); 1973 c. 280, 334; 1975 c. 93; 1977 c. 107, 187, 394; 1977 c. 427 ss. 3 to 14; 1977 c. 449; 1979 c. 32, 89, 221; 1979 c. 260 ss. 1m, 73 to 75; 1979 c. 311, 328; 1981 c. 4, 391; 1983 a. 484 ss. 5, 5c, 124m, 128; 1985 a. 303; 1985 a. 304 ss. 1m, 2, 155; 1987 a. 391 ss. 1 to 1r, 66w; 1989 a. 31; 1991 a. 5; 1993 a. 140, 184; 1995 a. 16 s. 2; 1995 a. 27 s. 9145 (1); 1995 a. 219; 1997 a. 35; 2001 a. 16, 109; 2003 a. 24, 265; 2005 a. 177, 451; 2007 a. 1; 2009 a. 397; 2011 a. 23, 32, 45, 75; 2013 a. 165.

7 **SECTION 3.** 5.58 (1a) of the statutes is amended to read:

8 (8) 5.58 (1a) ~~GENERALLY.~~ At spring primary elections the ballots under subs. (1b)
9 to (2m), when necessary, shall be provided for each ward, except as authorized in s.
10 5.655. Only Except as provided under sub. (2r), ~~only~~ nonpartisan candidates
11 nominated for office by nomination papers shall have their names placed on the
12 official spring primary ballot under the proper office designation, but the ballots
13 shall allow room for write-in candidates.

History: 1971 c. 304 ss. 6 to 8, 29 (2); 1973 c. 134, 243; 1973 c. 334 s. 57 (2); 1973 c. 340; 1975 c. 93; 1977 c. 187, 272, 445, 449; 1979 c. 32, 221, 260; 1981 c. 20, 377; 1983 a. 484; 1983 a. 532 s. 36; 1985 a. 29 s. 3202 (56); 1985 a. 89, 225; 1985 a. 304 ss. 27, 27m, 155; 1989 a. 192, 290; 1991 a. 5; 1993 a. 266; 1995 a. 16 s. 2; 1995 a. 27 s. 9145 (1); 1995 a. 201, 219; 1997 a. 35; 1999 a. 150 s. 672; 1999 a. 182; 2003 a. 24 ss. 3, 4; 2005 a. 149; 2011 a. 45, 62.

14 **SECTION 4.** 5.60 (8) of the statutes is renumbered 5.58 (2r).

15 **SECTION 5.** 6.24 (5) of the statutes is amended to read:

16 6.24 (5) **BALLOTS.** The board shall prescribe a special ballot for use under this
17 section whenever necessary. Official ballots prescribed for use in the presidential
18 preference primary may also be used. The ballot shall be designed to comply with
19 the requirements prescribed under ss. ~~5.60 (8)~~ 5.58 (2r), 5.62, and 5.64 (1) insofar as
20 applicable. All ballots shall be limited to national offices only.

History: 1977 c. 394; 1979 c. 260, 311; 1985 a. 304; 1987 a. 391; 1989 a. 192; 1995 a. 313; 1997 a. 35; 1999 a. 182 ss. 68 to 75m, 224; 2001 a. 16; 2003 a. 24, 265; 2005 a. 451; 2011 a. 23, 45, 75.

21 **SECTION 6.** 7.08 (2) (d) of the statutes is amended to read:

BILL

1 7.08 (2) (d) As soon as possible after the last 2nd Tuesday in ~~January~~ of
2 December of the year before each year in which there is a presidential election, the
3 board shall transmit to each county clerk a certified list of candidates for president
4 who have qualified to have their names appear on the presidential preference
5 primary ballot.

History: 1971 c. 242; 1973 c. 334 s. 6, 57; 1975 c. 85, 93, 94, 199; 1977 c. 29, 107, 394, 427; 1979 c. 89, 177, 260, 311; 1981 c. 377; 1983 a. 51, 484; 1985 a. 120, 304; 1989 a. 192; 1993 a. 140; 1995 a. 16 s. 2; 1997 a. 27; 1999 a. 49, 182; 2001 a. 16, 38, 107, 109; 2003 a. 265; 2005 a. 177, 278, 451; 2007 a. 1, 20, 96; 2009 a. 28; 2011 a. 23, 32, 45, 75, 227; 2013 a. 179, 323.

6 **SECTION 7.** 7.10 (2) of the statutes is amended to read:

7 7.10 (2) PREPARING BALLOTS. The county clerk shall prepare copy for the official
8 ballots immediately upon receipt of the certified list of candidates' names from the
9 board. Names certified by the board shall be arranged in the order certified. The
10 county clerk shall place the names of all candidates filed in the clerk's office or
11 certified to the clerk by the board on the proper ballot or ballots under the
12 appropriate office and party titles. The county clerk shall prepare a special ballot
13 under s. ~~5.60 (8)~~ 5.58 (2r) showing only the candidates in the presidential preference
14 primary.

History: 1971 c. 304 s. 29 (2); 1973 c. 280; 1973 c. 334 s. 57; 1977 c. 394 s. 53; 1977 c. 427; 1979 c. 221, 260, 311, 355; 1981 c. 377; 1983 a. 484; 1985 a. 89, 304; 1991 a. 316; 1999 a. 150 s. 672; 1999 a. 182; 2001 a. 107; 2003 a. 265; 2005 a. 451; 2011 a. 45, 75, 165.

15 **SECTION 8.** 8.12 (1) of the statutes is amended to read:

16 8.12 (1) SELECTION OF NAMES FOR BALLOT. (a) No later than 5 p.m. on the 2nd
17 3rd Tuesday in ~~December~~ November of the year before each year in which electors
18 for president and vice president are to be elected, the state chairperson of each
19 recognized political party listed on the official ballot at the last gubernatorial election
20 whose candidate for governor received at least 10% of the total votes cast for that
21 office may certify to the board that the party will participate in the presidential
22 preference primary. For each party filing such a certification, the voters of this state

BILL**SECTION 8**

1 shall at the spring election primary[✓] be given an opportunity to express their
2 preference for the person to be the presidential candidate of that party.

3 (b) On the ~~first~~ 2nd Tuesday in ~~January~~ of December of the year before each
4 year, ~~or the next day if Tuesday is a holiday~~, in which electors for president and vice
5 president are to be elected, there shall be convened in the capitol a committee
6 consisting of, for each party filing a certification under this subsection, the state
7 chairperson of that state party organization or the chairperson's designee, one
8 national committeeman and one national committeewoman designated by the state
9 chairperson; the speaker and the minority leader of the assembly or their designees,
10 and the president and the minority leader of the senate or their designees. All
11 designations shall be made in writing to the board. This committee shall organize
12 by selecting an additional member who shall be the chairperson and shall determine,
13 and certify to the board, no later than on the Friday following the date on which the
14 committee convenes under this paragraph, the names of all candidates of the
15 political parties represented on the committee for the office of president of the United
16 States. The committee shall place the names of all candidates whose candidacy is
17 generally advocated or recognized in the national news media throughout the United
18 States on the ballot, and may, in addition, place the names of other candidates on the
19 ballot. The committee shall have sole discretion to determine that a candidacy is
20 generally advocated or recognized in the national news media throughout the United
21 States.

22 (c) No later than 5 p.m. on the ~~last~~ first Tuesday in January of each presidential
23 election year, any person seeking the nomination by the national convention of a
24 political party filing a certification under this subsection for the office of president
25 of the United States, or any committee organized in this state on behalf of and with

BILL

1 the consent of such person, may submit to the board a petition to have the person's
2 name appear on the presidential preference ballot. The petition may be circulated
3 no sooner than the ~~first~~ 2nd Tuesday in ~~January of~~ December ~~preceding~~ such year,
4 ~~or the next day if Tuesday is a holiday~~, and shall be signed by a number of qualified
5 electors equal in each congressional district to not less than 1,000 signatures nor
6 more than 1,500 signatures. The form of the petition shall conform to the
7 requirements of s. 8.40. All signers on each separate petition paper shall reside in
8 the same congressional district.

9 (d) The board shall forthwith contact each person whose name has been placed
10 in nomination under par. (b) and notify him or her that his or her name will appear
11 on the Wisconsin presidential preference ballot unless he or she files, no later than
12 5 p.m. on the last first Tuesday in January of such year, with the board, a disclaimer
13 stating without qualification that he or she is not and does not intend to become a
14 candidate for the office of president of the United States at the forthcoming
15 presidential election. The disclaimer may be filed with the board by certified mail,
16 telegram, or in person.

History: 1973 c. 334 ss. 16, 57; 1975 c. 93, 185, 199, 422; 1977 c. 427; 1979 c. 34, 260, 311, 355; 1983 a. 484; 1985 a. 304 ss. 100 to 106, 156; 1987 a. 391; 1989 a. 192; 1993 a. 184; 1995 a. 16 s. 2; 1999 a. 182; 2003 a. 24; 2011 a. 45.

17 **SECTION 9.** 8.12 (3) of the statutes is amended to read:

18 8.12 (3) **REPORTING OF RESULTS.** No later than ~~May 15~~ the 2nd Tuesday following
19 the presidential preference primary, the board shall notify each state party
20 organization chairperson under sub. (1) (b) of the results of the presidential
21 preference primary within the state and within each congressional district.

History: 1973 c. 334 ss. 16, 57; 1975 c. 93, 185, 199, 422; 1977 c. 427; 1979 c. 34, 260, 311, 355; 1983 a. 484; 1985 a. 304 ss. 100 to 106, 156; 1987 a. 391; 1989 a. 192; 1993 a. 184; 1995 a. 16 s. 2; 1999 a. 182; 2003 a. 24; 2011 a. 45.

22 **SECTION 10.** 10.06 (1) (e) of the statutes is amended to read:

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SECTION 10

1 10.06 (1) (e) As soon as possible following the state canvass of the spring
2 primary vote, but no later than the first Tuesday in March, the board shall send a
3 type B notice certifying to each county clerk the list of candidates for the spring
4 election. When no state spring primary is held or when the only primary held is the
5 presidential preference primary, this notice shall be sent under par. (c). When there
6 is a referendum, the board shall send type A and C notices certifying each question
7 to the county clerks as soon as possible, but no later than the first Tuesday in March.

History: 1973 c. 280; 1973 c. 334 s. 57; 1975 c. 275, 422; 1977 c. 107, 340, 427; 1979 c. 260, 311; 1983 a. 484; 1985 a. 304, 332; 1987 a. 391; 1989 a. 273; 1995 a. 16 s. 2; 1999 a. 182; 2001 a. 16, 109; 2003 a. 24; 2007 a. 1; 2011 a. 32, 45, 75; 2013 a. 165.

8 **SECTION 11.** 10.06 (2) (b) of the statutes is amended to read:

9 10.06 (2) (b) Upon receipt of the type B notice from the board preceding the
10 spring election each county clerk shall add any county offices, prepare the ballots,
11 and send notice to each municipal clerk of the spring primary. When there is no state
12 spring primary within the county and no presidential preference primary, but there
13 is to be a county spring primary, the county clerk shall prepare the ballots and send
14 notice to each municipal clerk.

History: 1973 c. 280; 1973 c. 334 s. 57; 1975 c. 275, 422; 1977 c. 107, 340, 427; 1979 c. 260, 311; 1983 a. 484; 1985 a. 304, 332; 1987 a. 391; 1989 a. 273; 1995 a. 16 s. 2; 1999 a. 182; 2001 a. 16, 109; 2003 a. 24; 2007 a. 1; 2011 a. 32, 45, 75; 2013 a. 165.

15 **SECTION 12.** 10.06 (2) (d) of the statutes is amended to read:

16 10.06 (2) (d) On the Monday preceding the spring primary, when held, the
17 county clerk shall publish a type B notice. In a year in which a presidential
18 preference primary is held, the county clerk shall also publish notice of the
19 presidential preference primary.

History: 1973 c. 280; 1973 c. 334 s. 57; 1975 c. 275, 422; 1977 c. 107, 340, 427; 1979 c. 260, 311; 1983 a. 484; 1985 a. 304, 332; 1987 a. 391; 1989 a. 273; 1995 a. 16 s. 2; 1999 a. 182; 2001 a. 16, 109; 2003 a. 24; 2007 a. 1; 2011 a. 32, 45, 75; 2013 a. 165.

20 **SECTION 13.** 10.06 (2) (g) of the statutes is amended to read:

21 10.06 (2) (g) On the Monday preceding the spring election, the county clerk
22 shall publish a type B notice containing the same information prescribed in par. (a).
23 In a year in which the presidential preference primary is held, the county clerk shall

BILL

1 ~~also publish notice of the presidential preference primary.~~ In addition, the county
2 clerk shall publish a type C notice on the Monday preceding the spring election for
3 all state and county referenda to be voted upon by electors of the county.

History: 1973 c. 280; 1973 c. 334 s. 57; 1975 c. 275, 422; 1977 c. 107, 340, 427; 1979 c. 260, 311; 1983 a. 484; 1985 a. 304, 332; 1987 a. 391; 1989 a. 273; 1995 a. 16 s. 2; 1999 a. 182; 2001 a. 16, 109; 2003 a. 24; 2007 a. 1; 2011 a. 32, 45, 75; 2013 a. 165.

4 **SECTION 14. Effective date.**

5 (1) This act takes effect on June 1, 2015.

6 (END)

Rose, Stefanie

From: Ewy, Stuart
Sent: Tuesday, February 24, 2015 3:59 PM
To: LRB.Legal
Subject: Draft Review: LRB -1516/1 Topic: Presidential preference primary date

Please Jacket LRB -1516/1 for the SENATE.